



Julie James  
Minister for Climate Change  
14th October 2022

Re: A Temporary Halt on Major Development on the Gwent Levels SSSI

Annwyl Weinidog,

As proposed in FOGL's previous letter of 21<sup>st</sup> July this year, Friends Of the Gwent Levels (FOGL) and Gwent Wildlife Trust (GWT) are now writing to you to provide you with evidence of a systemic failure to control, mitigate or compensate for serious damage to the Gwent Levels SSSI from development. This evidence consists of the results of post-construction monitoring for the only constructed solar farm on the Gwent Levels SSSI (Llanwern), and a mounting and widespread momentum for further, vastly accelerated deployment of solar on the SSSI. You may recall that our previous letter requested a temporary halt on major development on the SSSI for a period of 2-3 years, for the above reasons, and we are now reiterating that request.

#### FOGL and GWT's General Approach to Renewable Energy

We fully recognise that climate change is the biggest threat to biodiversity globally, and that concerted action at all levels and in all policy areas, including renewable energy generation, is needed. We further support the Welsh Government's renewable energy generation aspirations as set out in its Net Zero 2 document. However, climate change mitigation through renewable energy generation should not come at the expense of biodiversity, a fact recognised by the Senedd's declaration of a joint Climate and Biodiversity Emergency. There are many thousands of hectares of land and rooftops throughout Wales, (including Gwent) which are eminently suitable for solar generation, and there are many constructed and proposed solar projects in Gwent to which we have not objected. Developments are now approved on the basis that developers promise a benefit for biodiversity but our research shows no benefit and indeed shows further damage to the SSSI.

#### Results of Post-Construction Monitoring at Llanwern Solar Farm show pollution and biodiversity loss

##### Pollution:

The post-construction monitoring report for the Llanwern solar farm shows that levels of several waterborne pollutants arising from the constructed solar farm have risen hugely since construction. For example, the pre-construction levels of suspended solids (silt) inside the development site were up to 7.4 million µg / litre respectively, compared with pre-construction sample levels of a maximum of 0.53 million µg / litre. Thus, the levels of this damaging pollutant produced by the solar farm were over 14 times higher than pre-construction levels.

Very high levels of total petroleum hydrocarbons TPHCWG (a very damaging pollutant adversely affecting the aquatic invertebrate and plant citation interest of the SSSI) were recorded inside the solar farm site, at 230 µg / litre, compared with a pre-construction level on the site of less than 10 µg / litre.

Even these very high levels of pollutants caused by the solar farm may be underestimates, because other pollutants, for example Nitrite as N and Nitrite as NO<sub>2</sub>, were recorded at very much higher levels post-construction compared with pre-construction, but no NRW concern trigger level exists. It is important to stress

that the wildlife interest of the SSSI is wholly dependent on a very high quality of water in the reens and ditches.

#### Biodiversity Loss:

No breeding lapwings used the “Lapwing Mitigation (really compensation) Area”. Numbers of breeding lapwings fell from eight pairs pre-construction to two pairs post-construction, with only one nest found on site. Lapwings are a red list species with numbers dropping by 80% in Wales in the last fifty years.

A breeding pair of cranes was lost from the site. This is a species which had not bred in Wales for over 400 years. The return of these cranes a few years ago was marked as a success story for the Levels. Cranes as a species are making a slight recovery but the Llanwern development appears to have done the very opposite of assisting their recovery.

The diversity of bat species decreased markedly, and for the majority of locations, abundance of species has dropped dramatically (95- 100%).

The flora on the site has been severely damaged by the construction process and there is no evidence of any attempts to mitigate against this. The ground appears compacted and the panels have large areas of bare earth under and around them, with brambles starting to take over the area, in stark contrast to the grazing marsh habitat of the site before construction.

It should be stressed that this is merely a snapshot of the damage caused to the SSSI, and that further damage is likely to manifest itself as the years go by.

#### The Levels as a whole under threat

It is also important to bear in mind that in addition to the damage done directly to the SSSI by solar farms, such as that set out above, indirect damage (both cumulative with other developments and in combination with other damaging activities) would manifest themselves if further solar farms were constructed on the SSSI. The destruction of ecological connectivity and resilience would be inevitable if more and more projects were constructed on this fragile and complex wetland SSSI. This would be completely at odds with the Welsh Government DECCA (Diversity, Extent, Condition, Connectivity, Adaptability) approach to reversing climate change and biodiversity loss.

The catastrophic failure of mitigation measures delivered through planning conditions for the only constructed solar farm on the SSSI (or indeed any wetland SSSI in Wales) shows that mitigation has not remedied damage to the SSSI by development, even though the conditions were approved by the Inspector at the hearing, and by NRW, and set out in the Inspector’s Report and Recommendations. Rather than delivering a measurable benefit, the Llanwern scheme has delivered only measurable losses.

All constructed developments on the Gwent Levels in recent decades will have had “mitigation” commitments attached to their planning permissions, and all of these will have been delivered through planning conditions and/or agreements or similar. Nevertheless, the damage continues and the Levels are acknowledged to be in decline. Ironically, it is the very fact that the Levels have been allowed to reach an unfavourable condition as a result of inappropriate management and damaging development that they are now being seen as ‘fair game’ for development which promises – but has failed to deliver – a net benefit for biodiversity.

There is a very real disconnect between the ambitions of the Welsh Government and the Senedd for the Levels and the reality of the DNS planning process within PEDW. Our experience, drawn from being objectors, and appearing at DNS Hearings is that the big picture of protecting and enhancing this NNRMA does not appear to be shared by all major stakeholders or PEDW. Each application is considered in isolation, with no consideration of cumulative impacts, and there has been no attempt at all to learn from the results of post-construction monitoring in respect of constructed solar development such as the Llanwern example cited above. Without the urgent intervention of Welsh Government in the form of a temporary halt, there is a real possibility that all the excellent work set out in Future Wales in relation to the Gwent Levels NNRMA will come to nothing.

In any event, conditions cannot be significantly adjusted to take account of the damage that results from solar development; realistically, no enforcement action would result in the removal of the development and the reinstatement of the SSSI - once it's gone it's gone.

This is a very grim picture indeed, especially when one takes into account the “shifting baseline” phenomenon. NRW estimates that between 1993 and 2014, 28% of the Rhymney and Peterstone SSSI alone (one of the constituent SSSIs of the composite Gwent Levels SSSI) was destroyed by development.

The situation is now urgent; we are faced with the immediate likelihood that at least another 200 hectares of SSSI would be lost via the Rush Wall and Wentlooge solar applications (using broadly the same mitigation measures and conditions as those for Llanwern) in addition to the 95 hectares of Llanwern solar. Further, another at least 52 hectares are in the consent pipeline (Magor Solar Farm), which would also be lost in due course. Only last week we heard of yet another enormous scheme on the SSSI, near the Newport Wetlands Nature Reserve, which is at the early stages of the consent process.

We are aware that a substantial proportion of all of the Levels’ farming community on the SSSI are regularly approached by developers with a view to promoting major solar development on their land. Every consented solar farm on the SSSI would trigger further waves of approaches to the farming community of the SSSI on the part of developers, and thus further applications.

Every new consent for solar projects would add to the probability that further projects would be consented, in a positive feedback loop due to precedent and momentum. The developers of the Wentlooge resubmission application have included a KC’s legal opinion with their application; the opinion states that the previous Inspector’s recommendation of approval in respect of the first Wentlooge application, in conjunction with the approval and construction of the Llanwern solar farm, have established a precedent which dictates that any Ministerial decision not to approve the Wentlooge scheme would be vulnerable to legal challenge.

Given the determination of the renewable energy industry to exploit the economic advantages which sites on the Levels offer them, it is therefore not hyperbole to envisage that without some definitive action such as a temporary halt to major development, and under present arrangements, in the next 5-10 years we will see the complete transformation of this extraordinary environment into an energy park. Wales is one of the most nature-depleted countries in the world, and we all want the Gwent Levels to be a place where declines are reversed.

#### A Positive Future for the Levels:

The relentless pressure which the Levels are facing stands in stark contrast to the excellent work you and your Welsh Government and Senedd colleagues have been carrying out over the last few years, in conjunction with the charity sector, the Gwent Levels Working Group and local communities the length and breadth of the Levels. Your Ministerial Statements have had a real and lasting impact on momentum and direction of travel, whilst the Living Levels Partnership is a Wales-wide exemplar of cohesive work to achieve shared aims. The Gwent Levels National Natural Resource Management Area (NNRMA) delineation pursuant to Policy 9 of Future Wales, and your stated intention that a masterplan for the Levels is produced and adopted, are real ground breakers. All this work demonstrates what we in Wales can achieve in pursuit of the sustainable management of natural resources (SMNR) on a landscape scale.

Your Ministerial Statement concerning the results of the Biodiversity Deep Dive released last week is very timely, and we welcome the fact that it highlights the Gwent Levels as being specifically worthy of protection, and commits the Welsh Government to an enhanced level of protection for SSSIs via a review of Planning Policy Wales 11.

We therefore respectfully repeat our call for a halt on major development on the Gwent Levels. The halt we seek would be temporary in nature, but we believe it is necessary for the meaningful completion of the NNRMA work pursuant to Policy 9 of Future Wales, including the spatial masterplan and a comprehensive post-construction monitoring project.

As a result of this halt, we are hopeful that the big picture of a more positive future for the Gwent Levels NNRMA can be shared by all stakeholders working with a common purpose to protect and enhance this unique place in Wales.

Yn gywir iawn,



Catherine Linstrum & Diana Callaghan  
(Joint chairs, FOGL)

Adam Taylor  
(CEO Gwent Wildlife Trust)

